

Licensing Exceptions

Per Licensing Policy 10.2.3: Exceptions are extraordinary requests that must be considered on a case-by-case basis. Exceptions are not uniformly granted and must proceed through a careful review process. Exception approvals cannot go beyond the expiration date of the license and can be rescinded by the department at any time.

Exceptions must meet the intent of licensing WAC and not jeopardize the health, safety or well being of children in care. An exception cannot set aside any provision of law.

General Considerations for All Exceptions

Licensing staff must consider the following when reviewing an exception request:

- Licensing History
 - Initial vs. Full License
 - Complaints – number and findings
 - Training and Staff Qualifications
 - Compliance issues
- Date of last visit and results of visit
- Sufficient staff/child ratio to protect health and safety of children in care

Specific Examples and Considerations

-Exception to Rule, Category	Examples	WAC or RCW, Reference	Considerations for Exemptions
AGE – Home	Request to care for more than 2 children under the age of 2 or more than 4 children under the age of 2.	WAC 170-296-1350	<ul style="list-style-type: none">• Per policy: 2 under 2 exceptions can only be approved for 30 days.• Providers training/experience caring for infants/toddlers.• Are the children siblings?• Adequate fire/emergency plan.• Layout of licensed space does not compromise supervision.• Age ranges of children in care• Materials and equipment available for children
AGE – Home	Provider requests exception to care for a child over the age of 11.	WAC 170-296-1350	<ul style="list-style-type: none">• Exceptions should not be for more than 1 year.• Child turning 12 during middle of a school year.• Child has special needs.• Provider has training and experience with special needs, specific disability.• Parents/physicians request due to needs of the child.• Safety and care of other children in care is not compromised.• Are there siblings in care?
AGE – Center/School-Age	Provider requests exception to care for a child over the age of 12.	WAC 170-295-2090, WAC 170-151-010	<ul style="list-style-type: none">• Exceptions should not be for more than 1 year.• Child turning 13 during middle of a school year.• Child has special needs.• Provider has training and experience with special needs, specific disability.• Parents/physicians request due to needs of the child.• Safety and care of other children in care is not compromised.• Are there siblings in care?
AGE – Center/School-Age	Provider request exception to allow a child under one month of age to enroll in center.	WAC 170-295-4010	<ul style="list-style-type: none">• Physician approval.• Providers training/experience caring for infants.

-Exception to Rule, Category	Examples	WAC or RCW, Reference	Considerations for Exemptions
STAFF QUALIFICATIONS – Center/School-Age	Center/Program director requests exception to program sup/site coordinators education qualifications.	WAC 170-295-1020, WAC 170-151-170	<ul style="list-style-type: none">• Training plan outlining when qualifications will be met.• Training and experience of other staff at the center.
STAFF QUALIFICATIONS – Home/Center	Provider/staff request exception to allow TB testing other than the Mantoux method.	WAC 170-295-1120, WAC 170-296-0860	<ul style="list-style-type: none">• Physicians note.
DUAL LICENSES – Home	Provider requests an exception to allow for both a foster home license and a child care home license.	WAC 170-296-0280	<ul style="list-style-type: none">• Must follow most restrictive licensing requirements.• Child specific – is provider adopting a child.